

Key Ideas

Chapter 7: Additional Appropriations



In this section, we will discuss the following:

- *The use of the appropriation process.*
- *The publishing of legal notices.*
- *Public hearings.*
- *Filing Certified Copies.*
- *Reporting additional appropriations.*
- *The determination of sufficient funds.*
- *Fire loans, emergency loans, and bond proceeds.*
- *Requesting a reconsideration of a determination.*

ADDITIONAL APPROPRIATIONS

The additional appropriation process is used to appropriate money in excess of the established current year budget. The following outlines the provisions for pursuing an additional appropriation according to IC 6-1.1-18-5.



The additional appropriation process is used to appropriate money in excess of the established current year budget.

The fiscal body of a township must act on all additional appropriations. Approval by the Department of Local Government Finance (“Department”) is limited to cash funds that receive revenue from property taxes levied under IC 6-1.1 or IC 36-8-13. Additional appropriations from funds that do not receive property tax revenue must only be reported to the Department of Local Government Finance. In this process, there is a heavy reliance upon the township trustee to provide the Department of Local Government Finance with accurate information.

The following steps should be followed when obtaining additional appropriations (authority to expend funds) that were not included in the annual budget. **Townships with departmentalized budgets should use these procedures when appropriations are reduced in one department and re-appropriated in another department within the same fund.**

STEP ONE.

The first step occurs when the proper officers of a township desire to appropriate more money for a particular year than the amount prescribed in the budget for that year as finally determined by the Department of Local Government Finance budget order, they shall give notice of their proposed additional appropriation. The notice shall state the time and place at which a public hearing will be held on the proposal. The notice shall be given once in accordance with IC 5-3-1-2(b) for a public hearing on the proposal.

Legal notices for additional appropriations, whether or not they require approval of the Department of Local Government Finance, must be published one (1) time in one (1) or two (2) newspapers, no less than ten (10) days before the public hearing on the proposal.



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Ex: Public hearing is to be held on June 20. The notice for the additional appropriation must be published no later than June 10. Note: Ten days between June 10 and June 20. If you have a weekly newspaper in your township, you are still required to publish in a timely manner.

For townships that are uncertain whether a local newspaper meets the requirements for publishing, the definition of qualified newspaper follows.

Qualified publication as defined in I.C. 5-3-1-0.7:

- "a) As used in this chapter, "qualified publication" means a publication that:
- (1) is published daily, weekly, semiweekly, or triweekly;
 - (2) is of general circulation to the public;
 - (3) has been published for at least three (3) consecutive years in the same city or town;
 - (4) has continuity as to title and general nature of content from issue to issue;
 - (5) contains news of general or community interest, community notices, or editorial comment;
 - (6) contains advertisements from unrelated advertisers in each issue;
 - (7) has, in more than one half (1/2) of its issues published during the previous twelve month period, not more than seventy five percent (75%) advertising content;
 - (8) has a known office location in the county which it is published; and
 - (9) has been entered, authorized, and accepted by the United States Postal Service as mailable matter of requester second class or of the third class (as defined in 39 U.S.C. 3623) for the time published."

I.C. 5-3-1-4 covers the guidelines for publication requirements for all political subdivisions. A brief summary of requirements follows:

- (1) IC 5-3-1-4(d) reads, "This subsection applies to notices published by officers of political subdivisions not covered by subsections (a) or (b), including township officers. If there is only one (1) newspaper published in the political subdivision, then the notice shall be published in that newspaper and if another newspaper is published in the county and circulates within the political subdivision in the other newspaper. If no newspaper is published in the political subdivision, then publication shall be made in a newspaper published in the county and that circulates within the political subdivision."
- (2) IC 5-3-1-4(f) reads, "A political subdivision may, in its discretion, publish public notices in a qualified publication or additional newspapers to provide supplementary notification to the public. The cost of publishing supplementary notification is a proper expenditure of the political subdivision."

(A sample Notice to Taxpayers and Proof of Posting are included at the end of this chapter.)

STEP TWO.

The second step requires the fiscal officers of the township to hold a public hearing on the proposal as advertised. At the public hearing, action shall be taken to approve, reduce, or disallow the additional appropriation as advertised. If the Board tables the request until the following month, the additional appropriation **does not** have to be re-advertised. (A sample resolution/ordinance is included at the end of this chapter.) The township board should not adopt appropriations exceeding the amount advertised.



The second step requires the fiscal officers of the township to hold a public hearing on the proposal as advertised.

STEP THREE.

The third step requires the trustee to file, after the public hearing, a Certified Copy of their final proposal and any other relevant information with the Department of Local Government Finance. Information to complete this form is pulled from the Department of Local Government Finance 16-line statement provided at the fall budget hearing. Line items are identified for ease in determining the appropriate figures.



The third step requires the trustee to file, after the public hearing, a Certified Copy of their final action on the additional appropriation(s) with the Department of Local Government Finance.

As the final step for additional appropriations that do not include revenue from property taxes, the fiscal officer of the township shall report the additional appropriation to the Department of Local Government Finance in the form of a Certified Copy. (DLGF approval is not required).

The Department of Local Government Finance will rely on the Certified Copy of Additional Appropriations as verification by the county fiscal officer that these events (notice published, meeting held and resolution/ordinance passed) have occurred.

The Department order approving additional appropriations is conditioned upon accuracy of the Certified Copy and the financial information provided.

How to complete the Certified Copy of Additional Appropriation Form (Pg. 64)

Completion of the form is required to provide the Department of Local Government Finance with a financial worksheet to determine if the appropriate funds are available to support the trustee's additional appropriation request.

County name: Insert the county in which the township is located

Unit name: Insert the township name

Date of publication: This is to provide the Department with the dates the trustee published notice of the additional appropriation. Recall that the additional appropriation must be advertised in two newspapers if two are available. The dates should be pulled from the newspaper publisher's affidavit.

Newspaper: Provide the name of the publisher of the newspaper advertisement for the additional appropriation. If only one newspaper is used, write not applicable in the second line.

Public hearing: This is the date of the public hearing on the additional appropriation.

Resolution date: This is the date the fiscal body passed the resolution approving the additional appropriation. The resolution date cannot be before the date of the public hearing.

Fund number: This should come from your 16-line statement. Common fund numbers for Townships are: 0101 General, 0840 Poor Relief, 1111 Fire, 1182, Fire Debt, 1190 Cumulative Fire and 0341 Fire Pension.

Fund name: Refer to the fund number on your 16-line statement section for the appropriate fund names.

Appropriation request: This should reflect the amount approved by the township board at the additional appropriation hearing.

Amount by reduction: If the township is reducing a line item within a particular fund, that is considered a reduction. The amount reduced by the township board would be placed on this line.

Amount by surplus: This is the appropriation request minus the amount by reduction.

Line 1: Property tax levy. This reflects line 16 from the 16-line statement provided by the Department of Local Government Finance at the fall hearing.

Line 2: Levy excess applied. This reflects line 15 of the 16-line statement provided by the Department of Local Government Finance at the fall hearing.

Line 3: PTRC from CAGIT (Line 13). This reflects line 13 of the 16-line statement provided by the Department of Local Government Finance at the fall hearing. If you are a CAGIT county, this line should have an amount placed on it. If your county is non-adopting or COIT, there would be no amount on this line.

Line 4: Miscellaneous Revenue estimate (Line 8B). This is line 8B on the 16-line statement provided by the Department of Local Government Finance at the fall budget hearing. If you are increasing the amount above what was determined at the budget hearing, the revised Form 2 must be attached to the Certified Copy of Additional Appropriation supporting the increase requested. If no revised Form 2 is received, your request will be denied.

Line 5: January 1 Cash balance, including investments. This is the cash balance in the appropriate fund as of January 1 of the current year. This figure is taken from the township trustee's ledger book.

Line 6: Total funds available. Simply add the first five lines on the worksheet. This represents total funds available before any appropriations are deducted for this fund.

Line 7: Original Budget. This is line 1 of the 16-line statement provided by the Department of Local Government Finance at the fall budget hearing and is on the final budget order.

Line 8: Encumbered appropriations. This amount would be any prior year carryovers for a particular fund. An example: \$5,000 in capital outlays were obligated through a purchase order or contract for EMS equipment but the check will not be written until after January 1. The original appropriation was in place the prior year but the funds were not spent.

Line 9: Total beginning appropriations. Simply add lines 7 and 8. This represents the amount of funds already committed for this fund.

Line 10: Surplus funds (6-9). This represents line 6 of this worksheet minus line 9. These are the funds available before the approval of any additional appropriations during the current calendar year.

Line 11: Amount appropriated since January 1st less any reductions in appropriations. This represents any additional appropriations either approved by the Department or currently in the process of being reviewed by the Department excess of the budget during the current calendar year. It does not include the current year budget.

Line 12: Amounts transferred to the Rainy Day Fund.

Line 13: Surplus funds remaining (10-11). This represents the total amount of uncommitted funds available for appropriation. If the amount on this line exceeds the

amount requested, it is likely the additional appropriation will be approved if proper procedure has been followed. If the amount on this line is less than the amount requested, the appropriation approved will be the difference between the two figures.

The bottom of the Certified Copy of the Additional Appropriation must be completed to reflect the township trustee's certification of the information contained within the worksheet. The form is forwarded to the DLGF for consideration.

STEP FOUR.

The fourth step occurs when the Department of Local Government Finance receives a Certified Copy for a proposed additional appropriation from funds including revenue from property taxes, and the Department determines whether sufficient funds are available during the calendar year for the proposal. The Department issues a written determination within 15 days of receipt of the proposal. The Department limits the amount of the additional appropriation approval to revenues available, or to be made available, that have not been previously appropriated. The Certified Copy shall include the January 1 Cash Balance (including investments) and appropriations encumbered from last year.



The Department shall determine whether sufficient funds are available during the calendar year for the proposal.

If an appropriation is to be funded with income in excess of revenue estimates made at the time of the annual Department budget hearing, then information supporting such additional revenue must be provided at the time of submission. If revenue is available from carry-over cash that is not encumbered from the previous year or the current budget, supportive evidence is not necessary. **Increased miscellaneous revenue must be shown by completing a revised Budget Form 2 (Estimate of Miscellaneous Revenues) detailing increases. If a Form 2 is not completed, the miscellaneous receipts will not be revised and the proposal will be denied until such information is received.**

A township must appropriate the proceeds from a fire loan, emergency loan or bond proceeds before expending the revenue. The additional revenue should be added to the Miscellaneous Revenue Form 2 to support the amount requested.



A township must appropriate the proceeds from a fire loan, emergency loan or bond proceeds before expending the revenue.

STEP FIVE.

The fifth step identifies the procedures for the trustee to follow in the event an additional appropriation is denied. If the Department of Local Government Finance disallows an additional appropriation, the Department shall specify the reason for its disapproval on the written determination sent to the township. If the Department denies an additional appropriation and the trustee believes the denial is in error, the trustee may appeal to the Department for reconsideration.

A township trustee may request a reconsideration of a determination by the Department by filing a written request for reconsideration. A request for reconsideration must:

- 1) Be filed with the Department of Local Government Finance within fifteen (15) days of the receipt of the determination by the political subdivision; and
- 2) State specifically the reason for the request for reconsideration.
- 3) There is no form for the request for reconsideration. A letter accompanied with the relevant information will be considered.



A township trustee may request a reconsideration of a determination by the Department by filing a written request for reconsideration.

Upon receipt of a request for reconsideration, the Department of Local Government Finance must act on the request within fifteen (15) days of receipt. The Certified Copy of Additional Appropriations, and any revised Form 2's must be sent to:

**DEPARTMENT OF LOCAL GOVERNMENT FINANCE
BUDGET DIVISION
100 N SENATE AVE., ROOM N1058
INDIANAPOLIS IN 46204**

The following summary outlines the additional appropriation procedures:

Summary of Additional Appropriation Process

- 1) Notice to Taxpayers is published in two newspapers 10 days before a public meeting.
- 2) Public meeting is held on date and time as advertised. Resolution/Ordinance is passed.
- 3) All appropriations as adopted are forwarded to the Department in the form of the CERTIFIED COPY. Appropriations not from funds receiving property tax are available for use by the unit.
- 4) Appropriations from funds receiving property tax are reviewed by the Department to insure that funds are available.
- 5) A written determination on appropriations requiring approval is issued within fifteen (15) days of receipt by the Department. Appropriations are available for use once approval is made.
- 6) If appropriations are denied, unit may request specific reconsideration of determination by the Department within 15 days of receipt of notice.
- 7) The Department responds to reconsideration request within 15 days of receipt.

TRANSFER OF APPROPRIATIONS

The transfer process allows for movement of appropriations between categories. This process differs from an additional appropriation because transfer requests do not increase the amount budgeted in a particular fund but merely shifts the use of the funds between line items.

IC 6-1.1-18-6 reads "(a) The proper officers of a political subdivision may transfer money from one major budget classification to another within a department or office if:

- 1) they determine that the transfer is necessary;
 - 2) the transfer does not require expenditure of more money than the total amount set out in the budget as finally determined under this article;
 - 3) the transfer is made at a regular public meeting and by proper ordinance/resolution; and
 - 4) the transfer is certified to the county auditor.
- b) A transfer may be made under this section without notice and without the approval of the Department of Local Government Finance. It is not necessary to file documentation on transfers with the Department.

TRANSFER OF FUNDS TO THE RAINY DAY FUND

Pursuant to IC 36-1-8-5.1:

- a) A political subdivision may establish a rainy day fund to receive transfers of unused and unencumbered funds.
- b) The rainy day fund is subject to the same appropriation process as other funds that receive tax money. Before making an appropriation from the rainy day fund, the fiscal body shall make a finding that the proposed use of the rainy day fund is consistent with the intent of the original fund.
- c) In any fiscal year, a political subdivision may transfer not more than ten percent of the political subdivision's total budget for that fiscal year to the rainy day fund.
- d) The DLGF may not reduce the actual or maximum permissible levy of a political subdivision as a result of a balance in the rainy day fund of the political subdivision.

Transfers to the Rainy Day Fund must be reported to the DLGF. Units must submit to the DLGF the resolution/ordinance from the fiscal body approving the transfer. The resolution/ordinance must include the name of each fund and the amount being transferred out of each fund to the Rainy Day Fund.

ADMINISTRATIVE NOTES

- 1. Questions regarding Additional Appropriations should be directed to the attention of the Budget Division at 317-232-3774.
- 2. Additional appropriations to be approved by the DLGF will not be accepted after December 15 of any year. Units may submit "Reporting Only" appropriations until December 31 of any year.
- 3. The Certified Copy of Additional Appropriation utilizes the computer generated Budget Form 4B (16 line statement), Budget Form 4 (approved appropriations) and Budget Form 2 (Miscellaneous Revenues) which is provided each unit upon review by the hearing officer during the fall budget certification process. Lines 1, 2, 3, 4 and 7 rely on this information.
- 4. When increasing miscellaneous revenues for Line 4 of the Certified Copy, only show increases in Column B of the form. Column B must be fully completed and totaled. Be sure to include the form when forwarding the additional appropriation to the DLGF.
- 5. Encumbrances that are certified on Line 8 of the certified copy are approved appropriations carried forward from a prior year were supported by a sufficient cash balance for that year and the appropriation can be evidenced by a contract or purchase order. Appropriations carried forward (encumbrances) should be approved by the unit's fiscal body prior to the start of the year to which carried forward.

**SAMPLE
ADDITIONAL APPROPRIATION RESOLUTION/ORDINANCE**

WHEREAS, It has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

Sec. 1. Be it ordained (resolved) by the _____
Governing Body
of the _____ Township, _____ County,
Indiana, that for the expenses of the taxing unit the following additional sums of money are
hereby appropriated out of the funds named and for the purposes specified, subject to the laws
governing the same:

| | AMOUNT REQUESTED | AMOUNT APPROPRIATED |
|------------------------------|---------------------|------------------------|
| Fund Name: | | |
| Major budget classification: | | |
| Personnel | \$ _____ | \$ _____ |
| Supplies | \$ _____ | \$ _____ |
| Other | \$ _____ | \$ _____ |
| Capital Outlays | \$ _____ | \$ _____ |
| TOTAL for _____ Fund: | \$ _____ | \$ _____ |
| (repeat for any other funds) | | |

(Include only when appropriations are being reduced)

Sec. 2 Whereas, it has been shown that certain existing appropriations now have unobligated balances that will not be needed for the purposes for which appropriated, it is further ordained (resolved) that the following existing appropriations be reduced in the following amounts:

| | AMOUNT REQUESTED | AMOUNT APPROPRIATED |
|------------------------------|---------------------|------------------------|
| Fund Name: | | |
| Major budget classification: | | |
| Personnel | \$ _____ | \$ _____ |
| Supplies | \$ _____ | \$ _____ |
| Other | \$ _____ | \$ _____ |
| Capital Outlays | \$ _____ | \$ _____ |
| TOTAL for _____ Fund: | \$ _____ | \$ _____ |
| repeat for any other funds) | | |

Adopted this _____ day of _____, 20____.
NAY AYE

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

ATTEST:

Trustee

**SAMPLE
NOTICE TO TAXPAYERS OF ADDITIONAL APPROPRIATIONS**

Notice is hereby given the taxpayers of _____ Township,
_____ County, Indiana that the proper legal officers, at their regular meeting
place at _____ on the _____ day of
_____, 20__ will consider the following additional appropriations in excess of
the budget for the current year

| | Amount |
|------------------------------|----------|
| Fund Name: | |
| Major Budget Classification: | |
| Personnel | \$ _____ |
| Supplies | \$ _____ |
| Other | \$ _____ |
| Capital Outlays | \$ _____ |
| TOTAL for _____ Fund: | \$ _____ |
| (Repeat for any other funds) | |

Taxpayers appearing at the meeting shall have a right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance. The Department of Local Government Finance will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of a Certified Copy of the action taken.

NOTE: DO NOT PUBLISH THE FOLLOWING PARAGRAPH

Appropriations to be reduced should be named in the published notice; set out separately and not co-mingled with the additional appropriations being requested. The resolution/ordinance adopted by the governing body must separately list each appropriation.

SAMPLE
PROOFS OF POSTING OF NOTICE OF ADDITIONAL APPROPRIATIONS

I, _____, _____, of

(Official Title)
_____ Township, _____ County, Indiana
hereby certify that on the _____ day of _____, 20____, I did post in three (3)
public places located in the county a copy of the Notice to Taxpayers of Additional
Appropriations. The notice was in the form attached and made part of this certification. I
further certify that the notice was posted in each of the following places:

1) _____

2) _____

3) _____

Date: _____

(Signature – Trustee)

ADDITIONAL APPROPRIATION RESOLUTION/ORDINANCE

Whereas, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

Sec.1.Be it ordained (resolved) by the _____

(Governing Body)

of _____ Township, _____ County, that for the expenses of the
taxing unit the following additional sums of money are hereby appropriated out of the
funds named and for the purposes specified, subject to laws governing the same:

| | Amount Requested | Amount Approved |
|------------------------------|------------------|-----------------|
| Fund Name: | | |
| Major Budget Classification: | | |
| Personnel | \$ _____ | \$ _____ |
| Supplies | \$ _____ | \$ _____ |
| Other | \$ _____ | \$ _____ |
| Capital Outlays | \$ _____ | \$ _____ |
| TOTAL for _____ Fund: | \$ _____ | \$ _____ |
| (Repeat for any other funds) | | |

Adopted this _____ day of _____, 20____.

NAY

AYE

[illegible][illegible]

ATTEST:

Trustee

CERTIFIED COPY OF ADDITIONAL APPROPRIATION

County Name: _____

Unit Name: _____

Date of Publication _____

Newspaper _____

Date of Publication _____

Newspaper _____

Date of Public Hearing _____

Date of Resolution/Ordinance _____

For DLGF use only

County # _____

Unit # _____

Received _____

Order # _____

Complete for each fund from which the additional appropriations are made. Use a separate column for each fund. Lines referred to below are on the 16 – Line computer statement from DLGF budget hearing.

| | | | | |
|---|--|--|--|--|
| Fund Number | | | | |
| Fund Name | | | | |
| Appropriation Request | | | | |
| Amount by Reduction | | | | |
| Amount by Surplus | | | | |
| 1. Property Tax Levy (Line 16) | | | | |
| 2. Levy Excess (Line 15) | | | | |
| 3. PTRC from CAGIT (Line 13) | | | | |
| 4. Misc. Revenue (Line 8b) (If higher than 8b amount, a revised Budget Form 2 must be attached) | | | | |
| 5. January 1 Cash Balance, including any investments | | | | |
| 6. Total Funds (1 + 2 + 3 + 4 + 5) | | | | |
| 7. DLGF Approved Budget | | | | |
| 8. Encumbered Appropriations | | | | |
| 9. Beginning Appropriations (7 + 8) | | | | |
| 10. Surplus Funds (6 – 9) | | | | |
| 11. Amount additionally appropriated since January 1 st less any reductions in appropriations. | | | | |
| 12. Amount transferred to the Rainy Day Fund. | | | | |
| 13. Surplus Funds Remaining (10–11-12) | | | | |

I, _____, fiscal officer of _____ do hereby
certify that the above information is true and correct.

Dated this _____ day of _____, 20____

(Signature)

(Title)

(Unit Address)

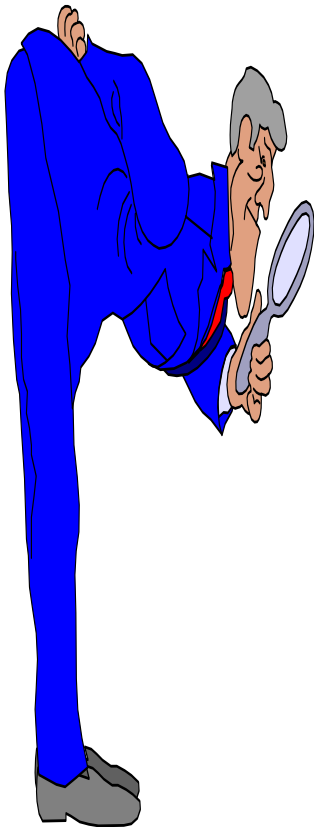
(Telephone Number)

(City / Towns / Zip Code)

(E-mail Address – Optional)

SUMMARY:

Chapter 7: Additional Appropriations



In this section, we have discussed the following:

- *The additional appropriation process used to appropriate money in excess of the established current year budget.*
- *Legal notices for additional appropriations, whether or not they require approval of the Department of Local Government Finance, must be published one (1) time in one (1) or two (2) newspapers, no less than ten (10) days before the public hearing on the proposal.*
- *The second step requires the proper officers of the county to hold a public hearing on the proposal as advertised.*
- *The third step requires the Auditor to file, after the public hearing, a Certified copy of their final proposal and any other relevant information with the Department of Local Government Finance.*
- *The final step for an additional appropriation requires a certification to the Department of Local Government Finance.*
- *The Department of Local Government Finance determines whether sufficient funds are available during the calendar year for the proposal.*
- *A county must appropriate the proceeds from a debt service issue before expending the revenue.*
- *The Department of Local Government Finance shall issue a decision regarding additional appropriations within a fifteen- day period.*
- *The Township may request a reconsideration of a determination by the Department of Local Government Finance by filing a written request for reconsideration.*